

# EXHIBIT A

November 30, 2009

Renée Brooker  
Assistant Director  
U.S. Department of Justice  
Civil Division-Fraud Section  
601 D Street, NW  
Suite 9918  
Washington, DC 20530

Re: United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Abbott Laboratories, MDL 1456.

Dear Ms. Brooker,

The materials presented by Dey in connection with the summary judgment pleadings included an affidavit from David Bradford, Ph.D. which suggested that the extrapolation methodology I used in determining Medicaid damages over-stated damages by more than 20 percent for Dey. The Abbott defendants have also argued that my extrapolation methodology is unreliable. In light of this, I decided to take another look at these issues. I will forward to you separately the work papers containing the underlying calculations.

A. Additional Medicaid Analyses

Using data obtained directly from the states (or from the defendant), I performed a claim-by-claim analysis for nine additional states for Abbott (comparable to the analysis I performed for the 10 states in my original data set). The results confirmed the reliability of my extrapolation methodology as the claim-by-claim results varied therefrom by less than 6.5% (\$6.0 million versus \$6.4 million). These results are summarized in Table A in the attached "Abbott Letter Tables.xls" spreadsheet.

B. Summary of Previous Supplements to My June 19, 2008 Report

On January 23, 2009, I provided a supplement to my June 19, 2008 report. This supplement updated the Medicaid damages portion of my report by removing Ohio, which had the effect of decreasing Medicaid differences by \$1.1 million from \$65.8 million to \$64.7 million.

C. Enhanced Dispensing Fees

I have also performed some additional analyses regarding Abbott's contention that the variability of dispensing fees in different State Medicaid programs resulted in a biased sample and flawed extrapolation. A check of the data revealed that the enhanced dispensing fees had no material impact on my sample and extrapolations. No enhanced dispensing fees are reflected in the vast majority of the claims. Even in the states where they do appear they are very infrequent and are sometimes *lower* than the standard dispensing fee.

#### D. Medicare Extrapolation

I also performed an additional test on the Medicare extrapolations by extrapolating to claims where I had arrays, but treated them as if I did not have the arrays. The results confirmed the reliability of my extrapolation methodology as the results varied therefrom by just 2-7%.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark G. Duggan". The signature is written in a cursive, flowing style.

Mark G. Duggan, Ph.D.